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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,060	04/04/2005	Yves Demars	266383US6PCT	6279
22850	7590	04/03/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER A, PHI DIEU TRAN	
			ART UNIT 3637	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/03/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/03/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/530,060

Applicant(s)

DEMARS ET AL.

Examiner

Phi D. A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/19/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of “their end faces level of claim 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: page 2 lines 8-11 has improper English grammar; page 3 lines 8-15, page 4 lines page 7 lines 5-15, refer to a French

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reference not present in the application, it is thus improper; page 11 lines 1-10, refer to the figure 1 having level end faces, however, figure 1 shows the end faces being at different level.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 13, 15, 17 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 “a spacerand including at least one” is confusing the claim. It appears the spacer and the strip is one structure. The claim language appears to set forth the spacer and the strip as two different structures. It is thus indefinite.

Claim 15 “at least any respective edge...” is confusing.

Claim 17 “their end faces level” is indefinite. The specification shows the end faces of the glass panes being offset, not level. This 112 issue also relates to the drawing/specification problems set forth above.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 13-15, 17-18, 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Hornung et al (6974518).

Horning et al (figure 20D-28) shows an insulating glazing panel comprising at least two glass panes (164, and the one opposite, figure 20d) separated by a gas space, a spacer (162) configured to keep the panes apart and including at least one approximately flat strip fitted at least partly around a perimeter of the glazing panel and fixed by adhesive bonding using a fastener (adhesive) the strip is fitted substantially toward and interior of the glazing panel set back with respect to at least one end face of the glass panes and is adhesively bonded against at least one internal face of the one glass pane, the fastener including means for sealing with respect to the interior of the glazing panel (the fastener itself being adhesive and providing means for sealing), the fastener covers, on an outside of the glazing panel, on an opposite side of the gas space, at least any respective edge of the strip that is contiguous with internal faces of the glass panes (see figures 20e), the glass panes have on at least one of their sides with the strip, their end faces level (figure 24), the glass panes have, on at least one of their sides with the strip, their end faces offset levelwise, one of the panels being larger than the other (col 11-12, lines 65-10), the strip rests via one of its end faces against the internal face of the larger of the glass panes and, via its opposite end face against the internal face of the other glass pane and level with the end face of the other glass pane or set back toward the interior of the glazing panel with respect to the end face of the other glass pane, the strip rests via its internal face against the end face of the

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glass pane offset toward the interior of the glazing panel (figure 23) and via one of its end faces against the internal face of the other glass pane (figure 23), the fastener covering edge of the strip contiguous with the other glass pane, a material forming the strip includes means for sealing with respect to the interior of the panel, strip having a buckling strength per unit length of at least 400N/m (the strip is made of metal, col 11 lines 60-64, inherently having the claimed property as it is the same material as disclosed by applicant), the strip includes on one or both of its faces, functional elements formed in a material of the strip (col 11 lines 60-64).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hornung et al (6974518) in view of Wolflingseder et al (4322926).

Hornung et al shows all the claimed limitations except for the fastener being placed along an end face of the strip that is placed against internal faces of the glass panes and extends toward the interior of the glazing panel on the gas space side.

Wolflingseder al discloses the use of adhesive (7) to securely attach a spacer (4) to the spaced panes.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Hornung et al's structure to show the fastener being placed along an end face of the strip that is placed against internal faces of the glass panes and extends toward the

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interior of the glazing panel on the gas space side because it would enhance the attachment of the spacer to the spaced panes as taught by Wolflingseder et al.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hornung et al (6974518) in view of Wolflingseder et al (4322926).

Hornung et al shows all the claimed limitations except for the fastener covering the end face of the other glass pane offset toward the interior of the glazing panel.

Wolflingseder al discloses the use of adhesive (7) to securely attach a spacer (4) to the spaced panes.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Hornung et al's structure to show the fastener covering the end face of the other glass pane offset toward the interior of the glazing panel because it would enhance the attachment of the spacer to the spaced panes as taught by Wolflingseder et al.

10. Claims 20-21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hornung et al (6974518) in view of Battersby (3957406).

Hornung et al shows all the claimed limitations except for the fastener including an adhesive of hot melt type, the adhesive resisting tear stresses of at least 0.45MPa.

Battersby shows a hot melt adhesive (52) bonding the spacer to the panes.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Hornung et al's structure to show the fastener including an adhesive of hot melt type because hot melt adhesive are readily available and well known for using to bond glass panes together as taught by Battersby.

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Horning et al as modified shows the adhesive being thermoplastic and having polyurethane. The adhesive in Hornung et al's modified structure also is able to withstand tear stresses of at least 0.45Mpa as claimed

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different insulating panel designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lannia Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

3/28/07